IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 2219 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

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BHARATDAS JAMNADAS SADHU - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR EKANT AHUJA for MR SAURIN A SHAH for Applicant(s) : 1,
MR SS PATEL ADDL PUBLIC PROSECUTOR for Respondent(s) : 1,
MR HM PRACHHAK for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 06/03/2007

ORAL JUDGMENT :

1. Upon retirement of learned advocate Mr. A.D.Desai as advocate for respondent No.2, the original complainant, fresh notice was ordered to

be issued pursuant to which she was personally present in the court with her brother-in-law Shri Rajendra D.Patel. Learned counsel Mr.H.M.Prachhak was requested to assist the said respondent and convey her instructions after understanding the implications thereof.

2. It was submitted on behalf of petitioner by learned counsel Mr.Ekant Ahuja that the respondent concerned had filed several complaints and cases against the petitioner and they were disposed, according to the instructions. The complaint in question in the present case came to be lodged on 16.3.1996 for the offences punishable under sections 420 and 406 of the Indian Penal Code, 1860 which were alleged to have been committed in 1987. It was submitted that that complaint lodged as an FIR and registered as M.Case No.25 of 1996 had culminated into Criminal Case No.3941 of 1996 which was sought to be quashed by the present petition.

3. Respondent Ms.Smita R.Dave, who was personally present in the court with her brother-in-law, made a firm statement to the effect that she did not propose to pursue the said complaint and criminal case and did not propose to prosecute the petitioner pursuant to the said complaint. Learned advocate Mr.Prachhak explained

to her the implications of withdrawing the complaint and confirmed her consent to the present petition being allowed so as to end the criminal proceedings which the complainant was not interested in pursuing. Therefore, by express consent and joint request of the parties concerned, petition is allowed without entering into merits, with the direction that the complaint registered as M.Case No.25 of 1996 at Gandhinagar Police Station and Criminal Case No.3941 of 1996 stated to be pending in the court of learned Judicial Magistrate, First Class, Gandhinagar are hereby quashed. Rule is made absolute with no order as to costs.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)